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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicants: HARMON, J.; et al.) Attorney Reference: Nept-BMS1
Serial No.: 09/901,751) Examiner: Daniel Pihulic
Filing Date: July 9, 2001) Group Art Unit: 3662
Title: Biomimetic Sonar System & Method) Faxed Date: April 12, 2004
)
) Faxed to: 703/872-9306

RESPONSE TO SECOND OFFICE ACTION

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby respond to the Office Action mailed December 12, 2003 ("Office Action" or "Second Office Action"), regarding the above-referenced application ("Application"), and submit this Response comprising (i) in Part One, Remarks traversing the rejection under 35 U.S.C. 102(b) based on the Kuc reference, and if the Remarks in Part One are unpersuasive, (ii) in Part Two, an alternative Response comprising amended claims and related Remarks. In view of the Remarks in Part One, Applicants respectfully solicit an allowance of the previously rejected claims. In the event Part One is unpersuasive, Applicants respectfully request entry of the amendment of claims in Part Two and allowance of the amended claims. This response is submitted within four (4) months of the mailing date of the Office Action. Applicants transmit herewith a petition for one month's extension and payment of one month's extension fee.

Pages 3 to 13 comprise Part One, which contains Remarks (pages 3 to 7) traversing the rejection based on the Kuc reference and a listing (pages 8 to 13) of pending claims.

Response to Second Office Action mailed 12/12/03 Art Unit: 3662/D. Pihulic
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Page 14 to 24 comprise Part Two, which is an alternative Response that contains an amendment of claims (pages 14 to 23), and Remarks (page 24).

Page 25 contains the Conclusion and signature block.

The "if Part One is unpersuasive, then Part Two" structure of this Response was discussed by telephone with Examiner Daniel Pihulic on April 8, 2004; the Examiner found the "if Part One is unpersuasive, then Part Two" structure to be an acceptable way to structure this Response.